

Remarks

Further and favorable reconsideration is respectfully requested in view of the foregoing amendments and following remarks.

Initially, although the Office Action summary page indicates that claims 1-19 are pending in the application, claim 5 was previously cancelled, by the Amendment filed February 24, 2003. Therefore, the pending claims at the time of issuance of the Office Action were claims 1-4 and 6-19.

Claim 1 has now been further amended to incorporate the limitations of all of claims 2-4, as a result of which claims 2-4 have been cancelled.

The other amendments to claim 1 include reverting back to an amount of at least 60% by weight of inorganic components and 40% by weight or less of organic components as set forth in original claims 1 and 5, respectively.

In addition, minor editorial changes have been made in claim 1, as well as in claim 19.

New claims 20 and 21 have been added to the application, and are directed to the aggregate components disclosed in the sentence bridging pages 7 and 8 of the specification.

The patentability of the present invention over the disclosures of the references relied upon by the Examiner in rejecting the claims will be apparent upon consideration of the following remarks.

Thus, the rejection of claims 1-7, 10, 14 and 17-19 under 35 U.S.C. §102(e) as being anticipated by Ittmann et al. is respectfully traversed.

Applicants take the position that the Ittmann et al. reference fails to disclose or suggest a composite material having the particular combination of features as set forth in amended claim 1. It is this combination of features which gives particularly good results in terms of achieving a high hardness, soft composite material having the surface Vickers hardness and radius of curvature R values as recited in claim 1. There is no suggestion in the reference that the particular combination of claimed components in the claimed amounts should be selected, or that such a combination of claimed components/amounts would lead to a composite material having the recited properties.

Furthermore, with regard to new claims 20 and 21, the component of the Ittmann et al. reference which the Examiner relies on as corresponding to the aggregate component of the presently claimed composite material, is the metallic-appearing particles of a platelet-like stratified silicate (SS),

which is a special component that is "inventively employed" in the reference (column 3, lines 6-11). On the other hand, new claims 20 and 21 set forth above are directed to aggregate components which are quite distinct from this special platelet-like stratified silicate employed in the reference. There is no suggestion in Ittmann et al. which would lead one of ordinary skill in the art to substitute the aggregates of claims 20 and 21 for this special component of the reference.

The rejection of claims 8 and 13 under 35 U.S.C. §103(a) as being unpatentable over Ittmann et al., as well as the rejection of claim 9 under 35 U.S.C. §103(a) as being unpatentable over Ittmann et al. in view of Schock et al., the rejection of claim 15 under 35 U.S.C. §103(a) as being unpatentable over Ittmann et al. in view of Cohen, and the rejection of claim 16 under 35 U.S.C. §103(a) as being unpatentable over Ittmann et al. in view of Ashton et al., are respectfully traversed.

The comments set forth above concerning the Ittmann et al. reference are considered to be equally applicable to each of these rejections. Therefore, even if, as concerns the rejections based on a combination of references, the references were combined in the manner suggested by the Examiner, the result of such combination would still not suggest the presently claimed invention as set forth in the dependent claims, for the same reasons as set forth above in connection with the rejection of claim 1 based on Ittmann et al.

Therefore, in view of the foregoing amendments and remarks, it is submitted that each of the grounds of objection and rejection set forth by the Examiner has been overcome, and that the application is in condition for allowance. Such allowance is solicited.

Respectfully submitted,

Mieko SAKAI et al.

By:

  
Michael R. Davis  
Registration No. 25,134  
Attorney for Applicants

MRD/pth  
Washington, D.C. 20006-1021  
Telephone (202) 721-8200  
Facsimile (202) 721-8250  
August 20, 2003